

RESOLUTION

RE: APPROVE PETITION AND AGREEMENT FOR ANNEXATION OF A PORTION OF COUNTY ROAD 16 (ENCLAVE ANNEXATION AND REZONE #1) AND AUTHORIZE CHAIR TO SIGN - TOWN OF FREDERICK

WHEREAS, the Board of County Commissioners of Weld County, Colorado, pursuant to Colorado statute and the Weld County Home Rule Charter, is vested with the authority of administering the affairs of Weld County, Colorado, and

WHEREAS, the Board has been presented with a Petition for the Annexation of a Portion of County Road 16 (Enclave Annexation and Rezone #1) from the County of Weld, State of Colorado, by and through the Board of County Commissioners of Weld County, to the Town of Frederick, Colorado, and

WHEREAS, the Board has reviewed the Annexation Agreement with the Town of Frederick, which addresses the annexation of this section of road, and finds the same to be acceptable and appropriate, and

WHEREAS, after review, the Board deems it advisable to approve said petition and said agreement, copies of which are attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Weld County, Colorado, that the Petition for the Annexation of a Portion of County Road 16 (Enclave Annexation and Rezone #1) from the County of Weld, State of Colorado, by and through the Board of County Commissioners of Weld County, to the Town of Frederick, Colorado, be, and hereby is, approved.

BE IT FURTHER RESOLVED by the Board that said Annexation Agreement with the Town of Frederick, for the annexation of said portion of roadway be, and hereby is, approved, and the Chair is authorized to sign said petition and agreement.

2009-0460
EG0060

PETITION AND AGREEMENT FOR ANNEXATION OF A PORTION OF COUNTY ROAD 16
(ENCLAVE ANNEXATION AND REZONE #1) - TOWN OF FREDERICK
PAGE 2

The above and foregoing Resolution was, on motion duly made and seconded, adopted by
the following vote on the 18th day of February, A.D., 2009.

ATTEST: *Donald Williams*
Weld County Clerk to the Board

BY: *Jennifer Van Eaton*
Deputy Clerk to the Board

APPROVED AS TO FORM: *[Signature]*
County Attorney

BOARD OF COUNTY COMMISSIONERS
WELD COUNTY, COLORADO

[Signature]
William F. Garcia, Chair

[Signature]
Douglas Rademacher, Pro-Tem

EXCUSED
[Signature]
Sean P. Conway

[Signature]
Barbara Kirkmeyer

[Signature]
David E. Long

Date of signature: 2/23/2009

Weld County Road 16 Enclave Annexation and Rezone #1

PETITION FOR ANNEXATION TO THE TOWN OF FREDERICK

DATE: 02/18/2009

TO: THE BOARD OF TRUSTEES OF THE TOWN OF FREDERICK, COLORADO.

I, William F. Garcia, serving as Chair of the Weld County Board of County Commissioners, on behalf of Weld County, in accordance with Colorado law, hereby petition the Town of Frederick and its Board of Trustees for annexation to the Town of Frederick of the following described unincorporated territory located in the County of Weld and State of Colorado, to-wit:

See legal description in **Exhibit A**, attached hereto and incorporated herein by this reference.

As part of this petition, your petitioner further states to the Board of Trustees of Frederick, Colorado, that:

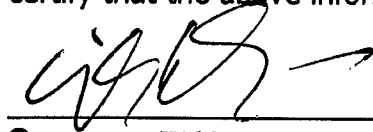
1. It is desirable and necessary that the territory described in Exhibit A be annexed to the Town of Frederick.
2. The requirements of C.R.S. sections 31-12-104 and 31-12-105, as amended, exist or have been met in that:
 - a. Not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the Town of Frederick or will be contiguous with the Town of Frederick within such time as required by 31-12-104.
 - b. A community of interest exists between the area proposed to be annexed and the Town of Frederick.
 - c. The area proposed to be annexed is urban or will be urbanized in the near future.
 - d. The area proposed to be annexed is integrated with or is capable of being integrated with the Town of Frederick.
 - e. No land within the boundary of the territory proposed to be annexed which is held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has been divided into separate parts or

parcels without the written consent of the landowner or landowners thereof, unless such tracts or parcels were separated by a dedicated street, road or other public way.

- f. No land within the boundary of the area proposed to be annexed which is held in identical ownership, comprises twenty acres or more, and which, together with the buildings and improvements situated thereon has an assessed value in excess of two hundred thousand dollars (\$200,000.00) for ad valorem tax purposes for the year next preceding the annexation, has been included within the area proposed to be annexed without the written consent of the landowner or landowners.
- g. No annexation proceedings have been commenced for any portion of the territory proposed to be annexed for the annexation of such territory to another municipality.
- h. The annexation of the territory proposed to be annexed will not result in the detachment of area from any school district.
- i. The annexation of the territory proposed to be annexed will not have the effect of extending the boundary of the Town of Frederick more than three miles in any direction from any point of the boundary of the Town of Frederick in any one year.
- j. Prior to completion of the annexation of the territory proposed to be annexed, the Town of Frederick will have in place a plan for that area, which generally describes the proposed: Location, character, and extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities, and terminals for water, light, sanitation, transportation, and power to be provided by the Town of Frederick; and the proposed land uses for the area; such plan to be updated at least once annually.
- k. In establishing the boundary of the territory proposed to be annexed, if a portion of a platted street or alley is to be annexed, the entire width of the street or alley has been included within the territory to be annexed. The Town of Frederick will not deny reasonable access to any landowners, owners of any easement, or the owners of any franchise adjoining any platted street or alley which is to be annexed to the Town of Frederick but is not bounded on both sides by the Town of Frederick.

3. The owners of more than fifty percent of the area proposed to be annexed, exclusive of dedicated streets and alleys, have signed this petition and hereby petition for annexation of such territory.
4. Accompanying this petition are four copies of an annexation map containing the following information:
 - a. A written legal description of the boundaries of the area proposed to be annexed;
 - b. A map showing the boundary of the area proposed to be annexed, said map prepared and containing the seal of a registered engineer;
 - c. Within the annexation boundary map, a showing of the location of each ownership tract in unplatted land and, if part or all of the area is platted, the boundaries and the plat numbers of plots or of lots and blocks;
 - d. Next to the boundary of the area proposed to be annexed, a drawing of the contiguous boundary of the Town of Frederick and the contiguous boundary of any other municipality abutting the area proposed to be annexed, and a showing of the dimensions of such contiguous boundaries.
5. Upon the Annexation Ordinance becoming effective, all lands within the area proposed to be annexed will become subject to all ordinances, rules and regulations of the Town of Frederick, except for general property taxes of the Town of Frederick which shall become effective as the January 1 next ensuing.
6. The zoning classification requested for the area proposed to be annexed is R-1, Residential Low Density.

WHEREFORE, the following petitioner respectfully requests that the Town of Frederick, acting through its Board of Trustees, approve the annexation of the area proposed to be annexed. By this acknowledgment, the undersigned hereby certify that the above information is complete and true.



Owner - William F. Garcia

02/18/2009

Date

Chair, Board of County Commissioners, on behalf of Weld County

STATE OF COLORADO)

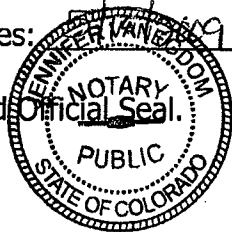
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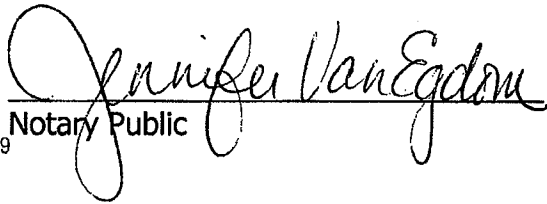
COUNTY OF)

The foregoing instrument was acknowledged before me this 18th day of February, 2009 by William F. Garcia

My commission expires: _____

Witness My Hand and




Notary Public

Landowner/Petitioner Mailing Address:

Chair of the Weld County Board of Commissioners
915 Tenth Street
P.O. Box 758
Greeley, CO 80632

RECORD OF LAND OWNERSHIP AND DATED SIGNED

Please print

Landowner/Petitioner: William F. Garcia, Chair, Weld County
Board of Commissioners

Mailing Address: 915 10th Street, Greeley, Colorado 80631

Date: 02/18/2009

Legal Description of Land Owned:

See legal description in **Exhibit A**, attached hereto and
incorporated herein by this reference.

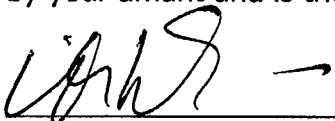
AFFIDAVIT OF CIRCULATOR

STATE OF COLORADO)

)ss.

COUNTY OF)

William F. Garcia, Chair, being first duly sworn upon oath, deposes and says that (he or she) was the circulator of this Petition for Annexation of lands to the Town of Frederick, Colorado, consisting of six (6) pages including this page and that each signature hereon was witnessed by your affiant and is the signature of the person whose name is purports to be.



Circulator

STATE OF COLORADO)

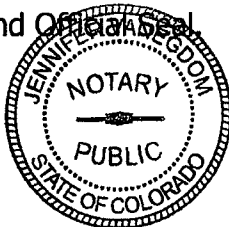
)ss.


COUNTY OF)

The foregoing instrument was acknowledged before me this 18th day of February, 2009 by William F. Garcia.

My commission expires: 5/19/2009

Witness My Hand and Official Seal




Notary Public

My Commission Expires May 19, 2009

EXHIBIT A

Weld County Road 16 Annexation and Rezone #1

Legal Description:

A strip of land 30.00 feet in width, to be annexed to the Town of Frederick, located in the Southwest Quarter (SW1/4) of Section Twenty-nine (29), Township Two North (T.2N.), Range Sixty-seven West (R.67W.), of the Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado, being more particularly described as follows:

BEGINNING at the Southwest corner of said Section 29 and assuming the West line of the SW1/4 of said Section 29 as bearing North 00°10'23" West, being a grid bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/92, a distance of 2646.32 feet with all bearings contained herein relative thereto.

THENCE North 00°10'23" West along the West line of the SW1/4 of said Section 29, said West line also being the East line of the Josephine Roach Annexation, Ordinance No. 148 Approved by the Town of Frederick on March 25, 1976, a distance of 557.02 feet to the South line of the Camenish 126 Acre Annexation, recorded September 16, 2004 as Reception No. 3219299 of the Records of Weld County;

THENCE South 89°41'11" East along the South line of said Camenish Annexation a distance of 30.00 feet; THENCE South 00°10'23" East along a line parallel with and 30.00 feet Easterly of, as measured at a right angle to the West line of the SW1/4 of said Section 29 a distance of 527.02 feet;

THENCE South 89°41'31" East along a line parallel with and 30.00 feet Northerly of, as measured at a right angle to the South line of the SW1/4 of said Section 29 a distance of 2609.35 feet, to the East line of the SW1/4 of said Section 29;

THENCE South 00°12'00" East along the East line of the SW1/4 of said Section 29 a distance of 30.00 feet to the South Quarter corner of said Section 29;

THENCE North 89°41'31" West along the South line of the SW1/4 of said Section 29, said South line also being coincidental with the North line of the Josephine Roche Annexation, a distance of 2639.36 feet to the POINT OF BEGINNING.

RESOLUTION

RE: APPROVE PETITION AND AGREEMENT FOR ANNEXATION OF A PORTION OF COUNTY ROAD 16 (ENCLAVE ANNEXATION AND REZONE #2) AND AUTHORIZE CHAIR TO SIGN - TOWN OF FREDERICK

WHEREAS, the Board of County Commissioners of Weld County, Colorado, pursuant to Colorado statute and the Weld County Home Rule Charter, is vested with the authority of administering the affairs of Weld County, Colorado, and

WHEREAS, the Board has been presented with a Petition for the Annexation of a Portion of County Road 16 (Enclave Annexation and Rezone #2) from the County of Weld, State of Colorado, by and through the Board of County Commissioners of Weld County, to the Town of Frederick, Colorado, and

WHEREAS, the Board has reviewed the Annexation Agreement with the Town of Frederick, which addresses the annexation of this section of road, and finds the same to be acceptable and appropriate, and

WHEREAS, after review, the Board deems it advisable to approve said petition and said agreement, copies of which are attached hereto and incorporated herein by reference.


NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Weld County, Colorado, that the Petition for the Annexation of a Portion of County Road 16 (Enclave Annexation and Rezone #2) from the County of Weld, State of Colorado, by and through the Board of County Commissioners of Weld County, to the Town of Frederick, Colorado, be, and hereby is, approved.

BE IT FURTHER RESOLVED by the Board that said Annexation Agreement with the Town of Frederick, for the annexation of said portion of roadway be, and hereby is, approved, and the Chair is authorized to sign said petition and agreement.

2009-0461
EG0060

PETITION AND AGREEMENT FOR ANNEXATION OF A PORTION OF COUNTY ROAD 16
(ENCLAVE ANNEXATION AND REZONE #2) - TOWN OF FREDERICK
PAGE 2

The above and foregoing Resolution was, on motion duly made and seconded, adopted by
the following vote on the 18th day of February, A.D., 2009.

ATTEST:  William F. Garcia
Weld County Clerk to the Board
Weld County, Colorado
BY: Jennifer Vancannon
Deputy Clerk to the Board
APPROVED AS TO FORM: Barbara Kirkmeyer
County Attorney
EXCUSED
Sean P. Conway
Barbara Kirkmeyer
David E. Long

Date of signature: 2/23/2009

Weld County Road 16 Annexation and Rezone #2

PETITION FOR ANNEXATION TO THE TOWN OF FREDERICK

DATE: 02/18/2009

TO: THE BOARD OF TRUSTEES OF THE TOWN OF FREDERICK, COLORADO.

I, William F. Garcia, serving as Chair of the Weld County Board of County Commissioners, on behalf of Weld County, in accordance with Colorado law, hereby petition the Town of Frederick and its Board of Trustees for annexation to the Town of Frederick of the following described unincorporated territory located in the County of Weld and State of Colorado, to-wit:

See legal description in **Exhibit A**, attached hereto and incorporated herein by this reference.

As part of this petition, your petitioner further states to the Board of Trustees of Frederick, Colorado, that:

1. It is desirable and necessary that the territory described in Exhibit A be annexed to the Town of Frederick.
2. The requirements of C.R.S. sections 31-12-104 and 31-12-105, as amended, exist or have been met in that:
 - a. Not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the Town of Frederick or will be contiguous with the Town of Frederick within such time as required by 31-12-104.
 - b. A community of interest exists between the area proposed to be annexed and the Town of Frederick.
 - c. The area proposed to be annexed is urban or will be urbanized in the near future.
 - d. The area proposed to be annexed is integrated with or is capable of being integrated with the Town of Frederick.
 - e. No land within the boundary of the territory proposed to be annexed which is held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has been divided into separate parts or

parcels without the written consent of the landowner or landowners thereof, unless such tracts or parcels were separated by a dedicated street, road or other public way.

- f. No land within the boundary of the area proposed to be annexed which is held in identical ownership, comprises twenty acres or more, and which, together with the buildings and improvements situated thereon has an assessed value in excess of two hundred thousand dollars (\$200,000.00) for ad valorem tax purposes for the year next preceding the annexation, has been included within the area proposed to be annexed without the written consent of the landowner or landowners.
- g. No annexation proceedings have been commenced for any portion of the territory proposed to be annexed for the annexation of such territory to another municipality.
- h. The annexation of the territory proposed to be annexed will not result in the detachment of area from any school district.
- i. The annexation of the territory proposed to be annexed will not have the effect of extending the boundary of the Town of Frederick more than three miles in any direction from any point of the boundary of the Town of Frederick in any one year.
- j. Prior to completion of the annexation of the territory proposed to be annexed, the Town of Frederick will have in place a plan for that area, which generally describes the proposed: Location, character, and extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities, and terminals for water, light, sanitation, transportation, and power to be provided by the Town of Frederick; and the proposed land uses for the area; such plan to be updated at least once annually.
- k. In establishing the boundary of the territory proposed to be annexed, if a portion of a platted street or alley is to be annexed, the entire width of the street or alley has been included within the territory to be annexed. The Town of Frederick will not deny reasonable access to any landowners, owners of any easement, or the owners of any franchise adjoining any platted street or alley which is to be annexed to the Town of Frederick but is not bounded on both sides by the Town of Frederick.

3. The owners of more than fifty percent of the area proposed to be annexed, exclusive of dedicated streets and alleys, have signed this petition and hereby petition for annexation of such territory.
4. Accompanying this petition are four copies of an annexation map containing the following information:
 - a. A written legal description of the boundaries of the area proposed to be annexed;
 - b. A map showing the boundary of the area proposed to be annexed, said map prepared and containing the seal of a registered engineer;
 - c. Within the annexation boundary map, a showing of the location of each ownership tract in unplatted land and, if part or all of the area is platted, the boundaries and the plat numbers of plots or of lots and blocks;
 - d. Next to the boundary of the area proposed to be annexed, a drawing of the contiguous boundary of the Town of Frederick and the contiguous boundary of any other municipality abutting the area proposed to be annexed, and a showing of the dimensions of such contiguous boundaries.
5. Upon the Annexation Ordinance becoming effective, all lands within the area proposed to be annexed will become subject to all ordinances, rules and regulations of the Town of Frederick, except for general property taxes of the Town of Frederick which shall become effective as the January 1 next ensuing.
6. The zoning classification requested for the area proposed to be annexed is BLI, Business/Light Industrial.

WHEREFORE, the following petitioner respectfully requests that the Town of Frederick, acting through its Board of Trustees, approve the annexation of the area proposed to be annexed. By this acknowledgment, the undersigned hereby certify that the above information is complete and true.



Owner William F. Garcia

02/18/2009

Date

Chair, Board of County Commissioners, on behalf of Weld County

STATE OF COLORADO)

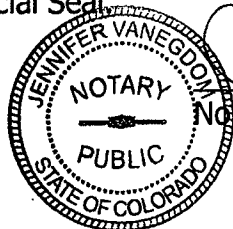
)ss.

COUNTY OF)

The foregoing instrument was acknowledged before me this 18th day of February, 20 09 by William F. Garcia

My commission expires: 5/19/2009

Witness My Hand and Official Seal





Notary Public

My Commission Expires May 19, 2009

Landowner/Petitioner Mailing Address:

Chair of the Weld County Board of Commissioners
915 Tenth Street
P.O. Box 758
Greeley, CO 80632

RECORD OF LAND OWNERSHIP AND DATED SIGNED

Please print

Landowner/Petitioner: William F. Garcia, Chair, Weld County
Board of Commissioners

Mailing Address: 915 10th Street, Greeley, Colorado 80631

Date: 02/18/2009

Legal Description of Land Owned:

See legal description in **Exhibit A**, attached hereto and
incorporated herein by this reference.

EXHIBIT A
Weld County Road 16 Annexation and Rezone #2

Legal Description:

A strip of land 60.00 feet in width located in the Southeast Quarter (SE1/4) of Section Twenty-seven (27), the Southwest Quarter (SW1/4) of Section Twenty-Six (26), the Northwest Quarter (NW1/4) of Section Thirty-Five (35) and the Northeast Quarter (NE1/4) of Section Thirty-Four (34), Township Two North (T.2N.), Range Sixty-Eight West (R.68W.), of the Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado, being more particularly described as follows:

COMMENCING at the Southeast corner of said Section 27 and assuming the South line of the SE1/4 of said Section 27 as bearing South 89°38'27" West, being a grid bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/92, a distance of 2647.28 feet with all bearings contained herein relative thereto.

THENCE North 00°23'36" West along the East line of the SE1/4 of said Section 27 a distance of 30.00 feet to the POINT OF BEGINNING;

THENCE North 89°36'24" East along a line parallel with and 30.00 feet Northerly of as measured at a right angle to the South line of the SW1/4 of Section 26 a distance of 50.00 feet to the West line of the HCT Annexation recorded November 3, 1989 as Reception No. 2196488 of the Records of Weld County;

THENCE South 00°23'36" East along said West line a distance of 60.00 feet to the Northwest corner of the Nelson Annexation recorded November 19, 2003 as Reception No. 3127863 of the Records of Weld County;

THENCE South 89°36'24" West along a line parallel with and 30.00 feet Southerly of as measured at a right angle to the South line of the SW1/4 of said Section 26 a distance of 50.00 feet;

THENCE South 89°38'27" West along a line being parallel with and 30.00 feet Southerly of as measured at a right angle to the South line of the SE1/4 of Section 27 a distance of 550.60 feet to the East line of the Richardson / Longmont Capital Annexation recorded August 26, 1999 as Reception No. 2716350 of the Records of Weld County;

THENCE North 00°21'33" West along said East line a distance of 60.00 feet to the South line of the Longmont Capital Annexation recorded October 16, 1995 as Reception No. 2459665 of the Records of Weld County;

THENCE North 89°38'27" East along said South line, and also along a line being a line parallel with and 30.00 feet Northerly of as measured at a right angle to the South line of the SE1/4 of Section 27 a distance of 300.71 feet to the Southeast corner of said Annexation;

THENCE North 89°38'27" East continuing along said parallel line a distance of 249.86 feet to the POINT OF BEGINNING.

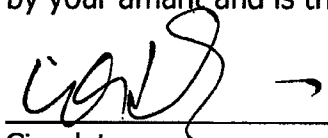
AFFIDAVIT OF CIRCULATOR

STATE OF COLORADO)

)ss.

COUNTY OF)

William F. Garcia, Chair, being first duly sworn upon oath, deposes and says that (he or she) was the circulator of this Petition for Annexation of lands to the Town of Frederick, Colorado, consisting of six (6) pages including this page and that each signature hereon was witnessed by your affiant and is the signature of the person whose name is purports to be.


Circulator

STATE OF COLORADO)

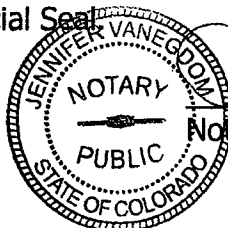
)ss.

COUNTY OF)

The foregoing instrument was acknowledged before me this 18th day of February, 2009 by William F. Garcia.

My commission expires: 5/19/2009

Witness My Hand and Official Seal



Jennifer VanEgdom
Notary Public

My Commission Expires May 19 2009

RESOLUTION

RE: APPROVE PETITION AND AGREEMENT FOR ANNEXATION OF A PORTION OF COUNTY ROAD 11 (ENCLAVE ANNEXATION AND REZONE #3) AND AUTHORIZE CHAIR TO SIGN - TOWN OF FREDERICK

WHEREAS, the Board of County Commissioners of Weld County, Colorado, pursuant to Colorado statute and the Weld County Home Rule Charter, is vested with the authority of administering the affairs of Weld County, Colorado, and

WHEREAS, the Board has been presented with a Petition for the Annexation of a Portion of County Road 11 (Enclave Annexation and Rezone #3) from the County of Weld, State of Colorado, by and through the Board of County Commissioners of Weld County, to the Town of Frederick, Colorado, and

WHEREAS, the Board has reviewed the Annexation Agreement with the Town of Frederick, which addresses the annexation of this section of road, and finds the same to be acceptable and appropriate, and

WHEREAS, after review, the Board deems it advisable to approve said petition and said agreement, copies of which are attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Weld County, Colorado, that the Petition for the Annexation of a Portion of County Road 11 (Enclave Annexation and Rezone #3) from the County of Weld, State of Colorado, by and through the Board of County Commissioners of Weld County, to the Town of Frederick, Colorado, be, and hereby is, approved.

BE IT FURTHER RESOLVED by the Board that said Annexation Agreement with the Town of Frederick, for the annexation of said portion of roadway be, and hereby is, approved, and the Chair is authorized to sign said petition and agreement.

cc: PW, PL, CA, FREDERICK

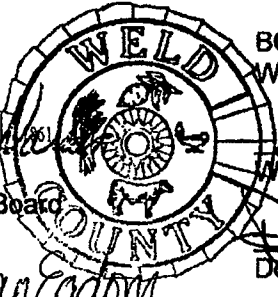
2009-0462

EG0060

03-18-09

PETITION AND AGREEMENT FOR ANNEXATION OF A PORTION OF COUNTY ROAD 11
(ENCLAVE ANNEXATION AND REZONE #3) - TOWN OF FREDERICK
PAGE 2

The above and foregoing Resolution was, on motion duly made and seconded, adopted by the following vote on the 18th day of February, A.D., 2009.

ATTEST:  William F. Garcia
Weld County Clerk to the Board
William F. Garcia, Chair

BY: Jennifer VanEdon
Deputy Clerk to the Board
Douglas Rademacher, Pro-Tem

APPROVED AS TO FORM: Barbara Kirkmeyer
County Attorney
Barbara Kirkmeyer

EXCUSED
Sean P. Conway
David E. Long
David E. Long

Date of signature: 2/23/2009

Weld County Road 11 Annexation and Rezone #3

PETITION FOR ANNEXATION TO THE TOWN OF FREDERICK

DATE: 02/18/2009

TO: THE BOARD OF TRUSTEES OF THE TOWN OF FREDERICK, COLORADO.

I, William F. Garcia, serving as Chair of the Weld County Board of County Commissioners, on behalf of Weld County, in accordance with Colorado law, hereby petition the Town of Frederick and its Board of Trustees for annexation to the Town of Frederick of the following described unincorporated territory located in the County of Weld and State of Colorado, to-wit:

See legal description in **Exhibit A**, attached hereto and incorporated herein by this reference.

As part of this petition, your petitioner further states to the Board of Trustees of Frederick, Colorado, that:

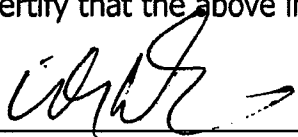
1. It is desirable and necessary that the territory described in Exhibit A be annexed to the Town of Frederick.
2. The requirements of C.R.S. sections 31-12-104 and 31-12-105, as amended, exist or have been met in that:
 - a. Not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the Town of Frederick or will be contiguous with the Town of Frederick within such time as required by 31-12-104.
 - b. A community of interest exists between the area proposed to be annexed and the Town of Frederick.
 - c. The area proposed to be annexed is urban or will be urbanized in the near future.
 - d. The area proposed to be annexed is integrated with or is capable of being integrated with the Town of Frederick.
 - e. No land within the boundary of the territory proposed to be annexed which is held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has been divided into separate parts or

parcels without the written consent of the landowner or landowners thereof, unless such tracts or parcels were separated by a dedicated street, road or other public way.

- f. No land within the boundary of the area proposed to be annexed which is held in identical ownership, comprises twenty acres or more, and which, together with the buildings and improvements situated thereon has an assessed value in excess of two hundred thousand dollars (\$200,000.00) for ad valorem tax purposes for the year next preceding the annexation, has been included within the area proposed to be annexed without the written consent of the landowner or landowners.
- g. No annexation proceedings have been commenced for any portion of the territory proposed to be annexed for the annexation of such territory to another municipality.
- h. The annexation of the territory proposed to be annexed will not result in the detachment of area from any school district.
- i. The annexation of the territory proposed to be annexed will not have the effect of extending the boundary of the Town of Frederick more than three miles in any direction from any point of the boundary of the Town of Frederick in any one year.
- j. Prior to completion of the annexation of the territory proposed to be annexed, the Town of Frederick will have in place a plan for that area, which generally describes the proposed: Location, character, and extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities, and terminals for water, light, sanitation, transportation, and power to be provided by the Town of Frederick; and the proposed land uses for the area; such plan to be updated at least once annually.
- k. In establishing the boundary of the territory proposed to be annexed, if a portion of a platted street or alley is to be annexed, the entire width of the street or alley has been included within the territory to be annexed. The Town of Frederick will not deny reasonable access to any landowners, owners of any easement, or the owners of any franchise adjoining any platted street or alley which is to be annexed to the Town of Frederick but is not bounded on both sides by the Town of Frederick.

3. The owners of more than fifty percent of the area proposed to be annexed, exclusive of dedicated streets and alleys, have signed this petition and hereby petition for annexation of such territory.
4. Accompanying this petition are four copies of an annexation map containing the following information:
 - a. A written legal description of the boundaries of the area proposed to be annexed;
 - b. A map showing the boundary of the area proposed to be annexed, said map prepared and containing the seal of a registered engineer;
 - c. Within the annexation boundary map, a showing of the location of each ownership tract in unplatted land and, if part or all of the area is platted, the boundaries and the plat numbers of plots or of lots and blocks;
 - d. Next to the boundary of the area proposed to be annexed, a drawing of the contiguous boundary of the Town of Frederick and the contiguous boundary of any other municipality abutting the area proposed to be annexed, and a showing of the dimensions of such contiguous boundaries.
5. Upon the Annexation Ordinance becoming effective, all lands within the area proposed to be annexed will become subject to all ordinances, rules and regulations of the Town of Frederick, except for general property taxes of the Town of Frederick which shall become effective as the January 1 next ensuing.
6. The zoning classification requested for the area proposed to be annexed is R-1, Residential Low Density.

WHEREFORE, the following petitioner respectfully requests that the Town of Frederick, acting through its Board of Trustees, approve the annexation of the area proposed to be annexed. By this acknowledgment, the undersigned hereby certify that the above information is complete and true.



Owner William F. Garcia

02/18/2009

Date

Chair, Board of County Commissioners, on behalf of Weld County

STATE OF COLORADO)

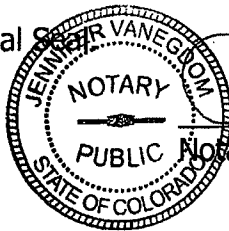
)ss.

COUNTY OF)

The foregoing instrument was acknowledged before me this 18th day of February, 2009 by William F. Garcia

My commission expires: 5/19/2009

Witness My Hand and Official Seal



My Commission Expires May 19, 2009

Landowner/Petitioner Mailing Address:

Chair of the Weld County Board of Commissioners
915 Tenth Street
P.O. Box 758
Greeley, CO 80632

RECORD OF LAND OWNERSHIP AND DATED SIGNED
Please print

Landowner/Petitioner: William F. Garcia, Chair
Weld County Board of Commissioners

Mailing Address: 915 10th Street, Greeley, Colorado 80631

Date: 02/18/2009

Legal Description of Land Owned:

See legal description in **Exhibit A**, attached hereto and
incorporated herein by this reference.

AFFIDAVIT OF CIRCULATOR

STATE OF COLORADO)

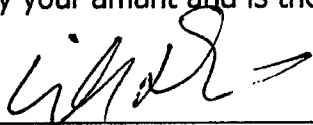
)ss.

COUNTY OF)

William F. Garcia, Chair

Weld County Board of Commissioners

, being first duly sworn upon oath, deposes and says that (he or she) was the circulator of this Petition for Annexation of lands to the Town of Frederick, Colorado, consisting of six (6) pages including this page and that each signature hereon was witnessed by your affiant and is the signature of the person whose name is purports to be.



Circulator

STATE OF COLORADO)

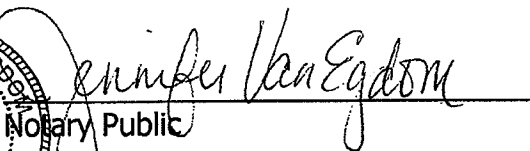
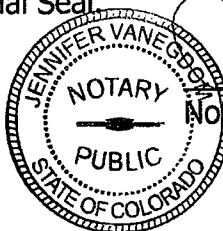
)ss.

COUNTY OF)

The foregoing instrument was acknowledged before me this 18th day of February, 2009 by William F. Garcia.

My commission expires: 5/19/2009

Witness My Hand and Official Seal



My Commission Expires May 19, 2009

EXHIBIT A

Weld County Road 11 Annexation and Rezone #3

Legal Description:

A strip of land 30.00 feet in width located in the Southwest Quarter (SW1/4) of Section Twenty-Four (24), Township Two North (T.2N.), Range Sixty-Eight West (R.68W.), of the Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado, being more particularly described as follows:

COMMENCING at the Southwest corner of said Section 24 and assuming the West line of the SW1/4 of said Section 24 as bearing North 00°32'48" West, being a grid bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/92, a distance of 2646.01 feet with all bearings contained herein relative thereto.

THENCE North 00°32'48" West along the West line of the SW1/4 of said Section 24, said West line being coincidental with the East line of the Grant Parcel 2 Annexation, Ordinance 279, recorded February 25, 1988 as Reception No. 2131992 of the Records of Weld County, a distance of 30.00 feet to the North line of the 1995 Road #18 Annexation recorded October 19, 1995 as Reception No. 2460180 of the Records of Weld County and to the POINT OF BEGINNING;

THENCE continuing North 00°32'48" West along the West line of the SW1/4 of said Section a distance of 1293.01 feet to the South line of the Grant Parcel 1 Annexation, Ordinance 278, recorded February 25, 1988 as Reception No. 2131989 of the Records of Weld County;

THENCE continuing North 00°32'48" West along said West line, said West line being coincidental with the East line of said Grant Parcel 1 Annexation a distance of 262.23 feet to the South line of the Milavec Annexation recorded March 16, 1989 as Reception No. 2173617 of the Records of Weld County;

THENCE North 89°44'19" East along the South line of said Milavec Annexation a distance of 30.00 feet.

THENCE South 00°32'48" East along a line parallel with and 30.00 feet Easterly of, as measured at a right angle to the West line of the SW1/4 of said Section 24 a distance of 1555.23 feet to the North line of said 1995 Road #18 Annexation;

THENCE South 89°44'29" West along said North line a distance of 30.00 feet to the POINT OF BEGINNING.

RESOLUTION

RE: APPROVE PETITION AND AGREEMENT FOR ANNEXATION OF A PORTION OF COUNTY ROAD 11 (ENCLAVE ANNEXATION AND REZONE #4) AND AUTHORIZE CHAIR TO SIGN - TOWN OF FREDERICK

WHEREAS, the Board of County Commissioners of Weld County, Colorado, pursuant to Colorado statute and the Weld County Home Rule Charter, is vested with the authority of administering the affairs of Weld County, Colorado, and

WHEREAS, on February 18, 2009, the Board was presented with a Petition and Agreement for the Annexation of a Portion of County Road 11 (Enclave Annexation and Rezone #4) from the County of Weld, State of Colorado, by and through the Board of County Commissioners of Weld County, to the Town of Frederick, Colorado, and

WHEREAS, at said hearing, at the request of the Town of Frederick, the Board deemed it advisable to continue the matter to March 11, 2009, at 9:00 a.m., to allow the Town of Frederick additional time to review the bridge maintenance reports, and

WHEREAS, at said hearing on March 11, 2009, the Board reviewed the Petition and Annexation Agreement with the Town of Frederick, which addresses the annexation of this section of road, and finds the same to be acceptable and appropriate, and

WHEREAS, after review, the Board deems it advisable to approve said petition and said agreement, copies of which are attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Weld County, Colorado, that the Petition for the Annexation of a Portion of County Road 11 (Enclave Annexation and Rezone #4) from the County of Weld, State of Colorado, by and through the Board of County Commissioners of Weld County, to the Town of Frederick, Colorado, be, and hereby is, approved.

BE IT FURTHER RESOLVED by the Board that said Annexation Agreement with the Town of Frederick, for the annexation of said portion of roadway be, and hereby is, approved, and the Chair is authorized to sign said petition and agreement.

2009-0638
EG0060

cc: PW, PL, CA, FREDERICK

03/18/09

PETITION AND AGREEMENT FOR ANNEXATION OF A PORTION OF COUNTY ROAD 11
(ENCLAVE ANNEXATION AND REZONE #4) - TOWN OF FREDERICK
PAGE 2

The above and foregoing Resolution was, on motion duly made and seconded, adopted by
the following vote on the 11th day of March, A.D., 2009.

ATTEST:

Weld County Clerk to the Board

BY:

Deputy Clerk to the Board

APPROVED AS TO FORM:

County Attorney

Date of signature: 3/17/09

BOARD OF COUNTY COMMISSIONERS
WELD COUNTY, COLORADO

William F. Garcia, Chair

EXCUSED

Douglas Rademacher, Pro-Tem

Sean P. Conway

Barbara Kirkmeyer

David E. Long

2009-0638
EG0060

Weld County Road 11 Annexation and Rezone #4

PETITION FOR ANNEXATION TO THE TOWN OF FREDERICK

DATE: 03/11/2009

TO: THE BOARD OF TRUSTEES OF THE TOWN OF FREDERICK, COLORADO.

I, William F. Garcia, serving as Chair of the Weld County Board of County Commissioners, on behalf of Weld County, in accordance with Colorado law, hereby petition the Town of Frederick and its Board of Trustees for annexation to the Town of Frederick of the following described unincorporated territory located in the County of Weld and State of Colorado, to-wit:

See legal description in **Exhibit A**, attached hereto and incorporated herein by this reference.

As part of this petition, your petitioner further states to the Board of Trustees of Frederick, Colorado, that:

1. It is desirable and necessary that the territory described in Exhibit A be annexed to the Town of Frederick.
2. The requirements of C.R.S. sections 31-12-104 and 31-12-105, as amended, exist or have been met in that:
 - a. Not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the Town of Frederick or will be contiguous with the Town of Frederick within such time as required by 31-12-104.
 - b. A community of interest exists between the area proposed to be annexed and the Town of Frederick.
 - c. The area proposed to be annexed is urban or will be urbanized in the near future.
 - d. The area proposed to be annexed is integrated with or is capable of being integrated with the Town of Frederick.
 - e. No land within the boundary of the territory proposed to be annexed which is held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has been divided into separate parts or

parcels without the written consent of the landowner or landowners thereof, unless such tracts or parcels were separated by a dedicated street, road or other public way.

- f. No land within the boundary of the area proposed to be annexed which is held in identical ownership, comprises twenty acres or more, and which, together with the buildings and improvements situated thereon has an assessed value in excess of two hundred thousand dollars (\$200,000.00) for ad valorem tax purposes for the year next preceding the annexation, has been included within the area proposed to be annexed without the written consent of the landowner or landowners.
- g. No annexation proceedings have been commenced for any portion of the territory proposed to be annexed for the annexation of such territory to another municipality.
- h. The annexation of the territory proposed to be annexed will not result in the detachment of area from any school district.
- i. The annexation of the territory proposed to be annexed will not have the effect of extending the boundary of the Town of Frederick more than three miles in any direction from any point of the boundary of the Town of Frederick in any one year.
- j. Prior to completion of the annexation of the territory proposed to be annexed, the Town of Frederick will have in place a plan for that area, which generally describes the proposed: Location, character, and extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities, and terminals for water, light, sanitation, transportation, and power to be provided by the Town of Frederick; and the proposed land uses for the area; such plan to be updated at least once annually.
- k. In establishing the boundary of the territory proposed to be annexed, if a portion of a platted street or alley is to be annexed, the entire width of the street or alley has been included within the territory to be annexed. The Town of Frederick will not deny reasonable access to any landowners, owners of any easement, or the owners of any franchise adjoining any platted street or alley which is to be annexed to the Town of Frederick but is not bounded on both sides by the Town of Frederick.

3. The owners of more than fifty percent of the area proposed to be annexed, exclusive of dedicated streets and alleys, have signed this petition and hereby petition for annexation of such territory.
4. Accompanying this petition are four copies of an annexation map containing the following information:
 - a. A written legal description of the boundaries of the area proposed to be annexed;
 - b. A map showing the boundary of the area proposed to be annexed, said map prepared and containing the seal of a registered engineer;
 - c. Within the annexation boundary map, a showing of the location of each ownership tract in unplatted land and, if part or all of the area is platted, the boundaries and the plat numbers of plots or of lots and blocks;
 - d. Next to the boundary of the area proposed to be annexed, a drawing of the contiguous boundary of the Town of Frederick and the contiguous boundary of any other municipality abutting the area proposed to be annexed, and a showing of the dimensions of such contiguous boundaries.
5. Upon the Annexation Ordinance becoming effective, all lands within the area proposed to be annexed will become subject to all ordinances, rules and regulations of the Town of Frederick, except for general property taxes of the Town of Frederick which shall become effective as the January 1 next ensuing.
6. The zoning classifications requested for the area proposed to be annexed are R-1, Residential Low Density.

WHEREFORE, the following petitioner respectfully requests that the Town of Frederick, acting through its Board of Trustees, approve the annexation of the area proposed to be annexed. By this acknowledgment, the undersigned hereby certify that the above information is complete and true.



03/11/2009

Owner - William F. Garcia

Date

Chair, Board of County Commissioners, on behalf of Weld County

STATE OF COLORADO)

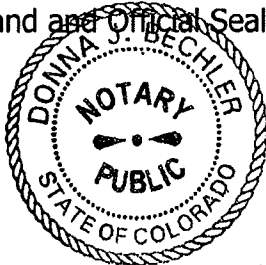
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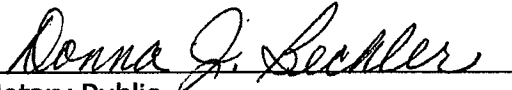
COUNTY OF)

The foregoing instrument was acknowledged before me this 11th day of March, 2009 by William F. Garcia

My commission expires: 4-10-2012

Witness My Hand and Official Seal.




Notary Public

MY COMMISSION EXPIRES: 04-10-2012

Landowner/Petitioner Mailing Address:

Chair of the Weld County Board of Commissioners
915 Tenth Street
P.O. Box 758
Greeley, CO 80632

RECORD OF LAND OWNERSHIP AND DATED SIGNED

Please print

Landowner/Petitioner: William F. Garcia, Chair
Weld County Board of Commissioners

Mailing Address: 915 10th Street, Greeley, Colorado 80631

Date: 03/11/2009

Legal Description of Land Owned:

See legal description in **Exhibit A**, attached hereto and
incorporated herein by this reference.

Exhibit "A"

PROPERTY DESCRIPTION

Weld County Road 11 Enclave Annexation and Rezone No. 4

A parcel of land located in the East Half (E1/2) of Section Twenty-Six (26) and the West Half (W1/2) of Section Twenty-Five (25), Township Two North (T.2N.), Range Sixty-Eight West (R.68W.), of the Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado, being more particularly described as follows:

COMMENCING at the Northeast corner of said Section 26 and assuming the East line of the Northeast Quarter (NE1/4) of said Section 26 as bearing South 00°29'49" East, being a grid bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/92, a distance of 2613.72 feet with all bearings contained herein relative thereto.

THENCE South 00°29'49" East along the East line of the NE1/4 Section 26 said East line being coincidental with the East line of the Grant Parcel 3 Annexation, Ordinance No. 280 recorded February 25, 1988 as Reception No. 2131991 of the Records of Weld County a distance of 30.00 feet to the South line of the 1995 Road #18 Annexation recorded October 19, 1995 as Reception No. 2460180 of the Records of Weld County and to the **POINT OF BEGINNING**;

THENCE North 89°44'29" East along the South line of said 1995 Road #18 Annexation a distance of 50.00 feet;

THENCE South 00°29'49" East along a line parallel with and 50.00 feet Easterly of, as measured at a right angle to the East line of NE1/4 of said Section 26 a distance of 2584.20 feet to the South line of the Northwest Quarter (NW1/4) of Section 25;

THENCE North 89°42'23" West along the South line of said NW1/4 of Section 25 a distance of 20.00 feet; THENCE South 00°08'35" West along a line parallel with and 30.00 feet Easterly of, as measured at a right angle to the East line of the Southeast Quarter (SE1/4) of Section 26 a distance of 2681.90 feet to the North line of the Dacono Investment Co. Annexation recorded May 11, 1990 as Reception No. 2213521 of the Records of Weld County;

THENCE South 89°51'39" West along the North line of said Dacono Investment Co. Annexation, said North line being parallel with and 30.00 feet Northerly of as measured at a right angle to the South line of the Southwest Quarter (SW1/4) of Section 25 a distance of 30.00 feet to the West line of the SW1/4 of said Section 25;

THENCE South 89°36'21" West along a line parallel with and 30.00 feet Northerly of, as measured at a right angle to the South line of the SE1/4 of Section 26 a distance of 30.00 feet to the East line of the Westervelt Annexation recorded September 21, 1995 as Reception No. 2456442 of the Records of Weld County;

THENCE North 00°08'35" East along a line parallel with and 30.00 feet Westerly of, as measured at a right angle to the East line of the SE1/4 of said Section 26, a portion of aforesaid line being coincidental with the Easterly line of said Westervelt Annexation a distance of 2681.85 feet to the South line of the NE1/4 of said Section 26 and to the South line of said Grant Parcel 3 Annexation;

AFFIDAVIT OF CIRCULATOR

STATE OF COLORADO)

)ss.

COUNTY OF)

William F. Garcia, Chair

Weld County Board of Commissioners

, being first duly sworn upon oath, deposes and says that (he or she) was the circulator of this Petition for Annexation of lands to the Town of Frederick, Colorado, consisting of six (6) pages including this page and that each signature hereon was witnessed by your affiant and is the signature of the person whose name is purports to be.



Circulator

STATE OF COLORADO)

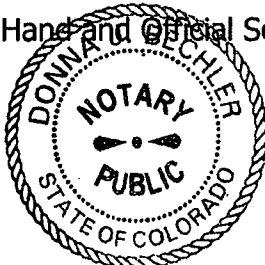
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COUNTY OF)

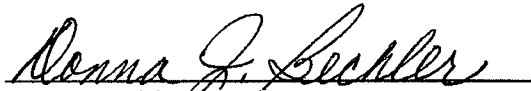
The foregoing instrument was acknowledged before me this 11th day of March, 2009 by William F. Garcia.

My commission expires: 4-10-2012

Witness My Hand and Official Seal.



MY COMMISSION EXPIRES: 04-10-2012


Notary Public

RESOLUTION

RE: APPROVE PETITION AND AGREEMENT FOR ANNEXATION OF A PORTION OF COUNTY ROAD 18 (ENCLAVE ANNEXATION AND REZONE #5) AND AUTHORIZE CHAIR TO SIGN - TOWN OF FREDERICK

WHEREAS, the Board of County Commissioners of Weld County, Colorado, pursuant to Colorado statute and the Weld County Home Rule Charter, is vested with the authority of administering the affairs of Weld County, Colorado, and

WHEREAS, the Board has been presented with a Petition for the Annexation of a Portion of County Road 18 (Enclave Annexation and Rezone #5) from the County of Weld, State of Colorado, by and through the Board of County Commissioners of Weld County, to the Town of Frederick, Colorado, and

WHEREAS, the Board has reviewed the Annexation Agreement with the Town of Frederick, which addresses the annexation of this section of road, and finds the same to be acceptable and appropriate, and

WHEREAS, after review, the Board deems it advisable to approve said petition and said agreement, copies of which are attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Weld County, Colorado, that the Petition for the Annexation of a Portion of County Road 18 (Enclave Annexation and Rezone #5) from the County of Weld, State of Colorado, by and through the Board of County Commissioners of Weld County, to the Town of Frederick, Colorado, be, and hereby is, approved.

BE IT FURTHER RESOLVED by the Board that said Annexation Agreement with the Town of Frederick, for the annexation of said portion of roadway be, and hereby is, approved, and the Chair is authorized to sign said petition and agreement.

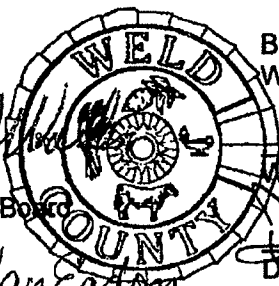
CC: PW, PL, CA, FREDERICK

2009-0464
EG0060

03-18-09

PETITION AND AGREEMENT FOR ANNEXATION OF A PORTION OF COUNTY ROAD 18
(ENCLAVE ANNEXATION AND REZONE #5) - TOWN OF FREDERICK
PAGE 2

The above and foregoing Resolution was, on motion duly made and seconded, adopted by the following vote on the 18th day of February, A.D., 2009.

ATTEST:  William F. Garcia
Weld County Clerk to the Board
William F. Garcia, Chair

BY: Jennifer Van Egdom
Deputy Clerk to the Board
Douglas Rademacher, Pro-Tem

APPROVED AS TO FORM: Barbara Kirkmeyer
County Attorney
Barbara Kirkmeyer

EXCUSED
Sean P. Conway
Sean P. Conway

David E. Long
David E. Long

Date of signature: 2/23/2009

Weld County Road 18 Annexation and Rezone #5

PETITION FOR ANNEXATION TO THE TOWN OF FREDERICK

DATE: 02/18/2009

TO: THE BOARD OF TRUSTEES OF THE TOWN OF FREDERICK, COLORADO.

I, William F. Garcia, serving as Chair of the Weld County Board of County Commissioners, on behalf of Weld County, in accordance with Colorado law, hereby petition the Town of Frederick and its Board of Trustees for annexation to the Town of Frederick of the following described unincorporated territory located in the County of Weld and State of Colorado, to-wit:

See legal description in **Exhibit A**, attached hereto and incorporated herein by this reference.

As part of this petition, your petitioner further states to the Board of Trustees of Frederick, Colorado, that:

1. It is desirable and necessary that the territory described in Exhibit A be annexed to the Town of Frederick.
2. The requirements of C.R.S. sections 31-12-104 and 31-12-105, as amended, exist or have been met in that:
 - a. Not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the Town of Frederick or will be contiguous with the Town of Frederick within such time as required by 31-12-104.
 - b. A community of interest exists between the area proposed to be annexed and the Town of Frederick.
 - c. The area proposed to be annexed is urban or will be urbanized in the near future.
 - d. The area proposed to be annexed is integrated with or is capable of being integrated with the Town of Frederick.
 - e. No land within the boundary of the territory proposed to be annexed which is held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has been divided into separate parts or

parcels without the written consent of the landowner or landowners thereof, unless such tracts or parcels were separated by a dedicated street, road or other public way.

- f. No land within the boundary of the area proposed to be annexed which is held in identical ownership, comprises twenty acres or more, and which, together with the buildings and improvements situated thereon has an assessed value in excess of two hundred thousand dollars (\$200,000.00) for ad valorem tax purposes for the year next preceding the annexation, has been included within the area proposed to be annexed without the written consent of the landowner or landowners.
- g. No annexation proceedings have been commenced for any portion of the territory proposed to be annexed for the annexation of such territory to another municipality.
- h. The annexation of the territory proposed to be annexed will not result in the detachment of area from any school district.
- i. The annexation of the territory proposed to be annexed will not have the effect of extending the boundary of the Town of Frederick more than three miles in any direction from any point of the boundary of the Town of Frederick in any one year.
- j. Prior to completion of the annexation of the territory proposed to be annexed, the Town of Frederick will have in place a plan for that area, which generally describes the proposed: Location, character, and extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities, and terminals for water, light, sanitation, transportation, and power to be provided by the Town of Frederick; and the proposed land uses for the area; such plan to be updated at least once annually.
- k. In establishing the boundary of the territory proposed to be annexed, if a portion of a platted street or alley is to be annexed, the entire width of the street or alley has been included within the territory to be annexed. The Town of Frederick will not deny reasonable access to any landowners, owners of any easement, or the owners of any franchise adjoining any platted street or alley which is to be annexed to the Town of Frederick but is not bounded on both sides by the Town of Frederick.

3. The owners of more than fifty percent of the area proposed to be annexed, exclusive of dedicated streets and alleys, have signed this petition and hereby petition for annexation of such territory.
4. Accompanying this petition are four copies of an annexation map containing the following information:
 - a. A written legal description of the boundaries of the area proposed to be annexed;
 - b. A map showing the boundary of the area proposed to be annexed, said map prepared and containing the seal of a registered engineer;
 - c. Within the annexation boundary map, a showing of the location of each ownership tract in unplatted land and, if part or all of the area is platted, the boundaries and the plat numbers of plots or of lots and blocks;
 - d. Next to the boundary of the area proposed to be annexed, a drawing of the contiguous boundary of the Town of Frederick and the contiguous boundary of any other municipality abutting the area proposed to be annexed, and a showing of the dimensions of such contiguous boundaries.
5. Upon the Annexation Ordinance becoming effective, all lands within the area proposed to be annexed will become subject to all ordinances, rules and regulations of the Town of Frederick, except for general property taxes of the Town of Frederick which shall become effective as the January 1 next ensuing.
6. The zoning classifications requested for the area proposed to be annexed are R-1, Residential Low Density, C-N, Commercial District, Neighborhood, P, Public, and C-C, Commercial District, Community.

WHEREFORE, the following petitioner respectfully requests that the Town of Frederick, acting through its Board of Trustees, approve the annexation of the area proposed to be annexed. By this acknowledgment, the undersigned hereby certify that the above information is complete and true.



Owner - William F. Garcia

02/18/2009

Date

Chair, Board of County Commissioners, on behalf of Weld County

STATE OF COLORADO)

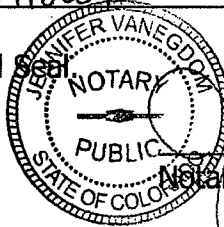
)ss.

COUNTY OF)

The foregoing instrument was acknowledged before me this 18th day of February, 20 09 by William F. Garcia

My commission expires: 05/19/2009

Witness My Hand and Official Seal




Notary Public

Landowner/Petitioner Mailing Address:

Chair of the Weld County Board of Commissioners
915 Tenth Street
P.O. Box 758
Greeley, CO 80632

RECORD OF LAND OWNERSHIP AND DATED SIGNED

Please print

Landowner/Petitioner: William F. Garcia, Chair
Weld County Board of Commissioners

Mailing Address: 915 10th Street, Greeley, Colorado 80631

Date: 02/18/2009

Legal Description of Land Owned:

See legal description in **Exhibit A**, attached hereto and
incorporated herein by this reference.

AFFIDAVIT OF CIRCULATOR

STATE OF COLORADO)

)ss.

COUNTY OF)

William F. Garcia, Chair
Weld County Board of Commissioners, being first duly
sworn upon oath, deposes and says that (he or she) was the circulator of this
Petition for Annexation of lands to the Town of Frederick, Colorado, consisting of
six (6) pages including this page and that each signature hereon was witnessed
by your affiant and is the signature of the person whose name is purports to be.

William F. Garcia

Circulator

STATE OF COLORADO)

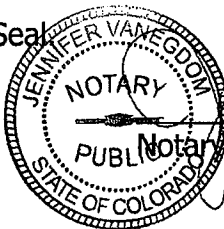
)ss.

COUNTY OF)

The foregoing instrument was acknowledged before me this 18th day
of February, 2009 by William F. Garcia.

My commission expires: 5/19/2009

Witness My Hand and Official Seal



Jennifer VanEgdom
Notary Public

My Commission Expires May 19, 2009

EXHIBIT A
Weld County Road 18 Annexation and Rezone #5

Legal Description:

A strip of land 20.00 feet in width, to be annexed to the Town of Frederick, located in the Northwest Quarter (NW1/4) of Section Twenty-Five (25), Township Two North (T.2N.), Range Sixty-Eight West (R.68W.), of the Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado, being more particularly described as follows:

COMMENCING at the North Quarter corner of said Section 25 and assuming the North line of the Northeast Quarter (NE1/4) of said Section 25 as bearing North 89°41'05" East, being a grid bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/92, a distance of 2642.07 feet with all bearings contained herein relative thereto;

THENCE South 00°00'30" West along the East line of the NW1/4 of said Section 25 a distance of 30.00 feet to the South line of the 1995 Road #18 Annexation recorded October 19, 1995 as Reception No. 2460180 of the Records of Weld County and to the POINT OF BEGINNING;

THENCE South 00°00'30" West continuing along the East line of the NW1/4 of said Section 25 a distance of 20.00 feet;

THENCE South 89°44'29" West along a line parallel with and 50.00 feet Southerly of, as measured at a right angle to the North line of the NW1/4 of said Section 25 a distance of 2640.60 feet to the West line of the NW1/4 of said Section 25;

THENCE North 00°29'49" West along the West line of the NW1/4 of said Section 25 a distance of 20.00 feet to the South line of the 1995 Road #18 Annexation;

THENCE North 89°44'29" East along said South line a distance of 2640.78 feet to the POINT OF BEGINNING.

RESOLUTION

RE: APPROVE PETITION AND AGREEMENT FOR ANNEXATION OF A PORTION OF COUNTY ROAD 13 (ANNEXATION AND REZONE #6) AND AUTHORIZE CHAIR TO SIGN - TOWN OF FREDERICK

WHEREAS, the Board of County Commissioners of Weld County, Colorado, pursuant to Colorado statute and the Weld County Home Rule Charter, is vested with the authority of administering the affairs of Weld County, Colorado, and

WHEREAS, the Board has been presented with a Petition for the Annexation of a Portion of County Road 13 (Annexation and Rezone #6) from the County of Weld, State of Colorado, by and through the Board of County Commissioners of Weld County, to the Town of Frederick, Colorado, and

WHEREAS, the Board has reviewed the Annexation Agreement with the Town of Frederick, which addresses the annexation of this section of road, and finds the same to be acceptable and appropriate, and

WHEREAS, after review, the Board deems it advisable to approve said petition and said agreement, copies of which are attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Weld County, Colorado, that the Petition for the Annexation of a Portion of County Road 13 (Annexation and Rezone #6) from the County of Weld, State of Colorado, by and through the Board of County Commissioners of Weld County, to the Town of Frederick, Colorado, be, and hereby is, approved.

BE IT FURTHER RESOLVED by the Board that said Annexation Agreement with the Town of Frederick, for the annexation of said portion of roadway be, and hereby is, approved, and the Chair is authorized to sign said petition and agreement.

cc: PW, PL, CA, FREDERICK

2009-0465

EG0060

03-18-09

PETITION AND AGREEMENT FOR ANNEXATION OF A PORTION OF COUNTY ROAD 13
(ANNEXATION AND REZONE #6) - TOWN OF FREDERICK
PAGE 2

The above and foregoing Resolution was, on motion duly made and seconded, adopted by the following vote on the 18th day of February, A.D., 2009.

BOARD OF COUNTY COMMISSIONERS
WELD COUNTY, COLORADO

ATTEST: *Donald Wilkins*
Weld County Clerk to the Board

BY: *Jennifer VanCura*
Deputy Clerk to the Board

APPROVED AS TO FORM: *[Signature]*
County Attorney

[Signature]
William F. Garcia, Chair

Douglas Rademacher
Douglas Rademacher, Pro-Tem

EXCUSED

Sean P. Conway
Sean P. Conway

Barbara Kirkmeyer
Barbara Kirkmeyer

David E. Long
David E. Long

Date of signature: 2/23/2009

Weld County Road 13 Annexation and Rezone #6

PETITION FOR ANNEXATION TO THE TOWN OF FREDERICK

DATE: 02/18/2009

TO: THE BOARD OF TRUSTEES OF THE TOWN OF FREDERICK, COLORADO.

I, William F. Garcia, serving as Chair of the Weld County Board of County Commissioners, on behalf of Weld County, in accordance with Colorado law, hereby petition the Town of Frederick and its Board of Trustees for annexation to the Town of Frederick of the following described unincorporated territory located in the County of Weld and State of Colorado, to-wit:

See legal description in **Exhibit A**, attached hereto and incorporated herein by this reference.

As part of this petition, your petitioner further states to the Board of Trustees of Frederick, Colorado, that:

1. It is desirable and necessary that the territory described in Exhibit A be annexed to the Town of Frederick.
2. The requirements of C.R.S. sections 31-12-104 and 31-12-105, as amended, exist or have been met in that:
 - a. Not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the Town of Frederick or will be contiguous with the Town of Frederick within such time as required by 31-12-104.
 - b. A community of interest exists between the area proposed to be annexed and the Town of Frederick.
 - c. The area proposed to be annexed is urban or will be urbanized in the near future.
 - d. The area proposed to be annexed is integrated with or is capable of being integrated with the Town of Frederick.
 - e. No land within the boundary of the territory proposed to be annexed which is held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has been divided into separate parts or

parcels without the written consent of the landowner or landowners thereof, unless such tracts or parcels were separated by a dedicated street, road or other public way.

- f. No land within the boundary of the area proposed to be annexed which is held in identical ownership, comprises twenty acres or more, and which, together with the buildings and improvements situated thereon has an assessed value in excess of two hundred thousand dollars (\$200,000.00) for ad valorem tax purposes for the year next preceding the annexation, has been included within the area proposed to be annexed without the written consent of the landowner or landowners.
- g. No annexation proceedings have been commenced for any portion of the territory proposed to be annexed for the annexation of such territory to another municipality.
- h. The annexation of the territory proposed to be annexed will not result in the detachment of area from any school district.
- i. The annexation of the territory proposed to be annexed will not have the effect of extending the boundary of the Town of Frederick more than three miles in any direction from any point of the boundary of the Town of Frederick in any one year.
- j. Prior to completion of the annexation of the territory proposed to be annexed, the Town of Frederick will have in place a plan for that area, which generally describes the proposed: Location, character, and extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities, and terminals for water, light, sanitation, transportation, and power to be provided by the Town of Frederick; and the proposed land uses for the area; such plan to be updated at least once annually.
- k. In establishing the boundary of the territory proposed to be annexed, if a portion of a platted street or alley is to be annexed, the entire width of the street or alley has been included within the territory to be annexed. The Town of Frederick will not deny reasonable access to any landowners, owners of any easement, or the owners of any franchise adjoining any platted street or alley which is to be annexed to the Town of Frederick but is not bounded on both sides by the Town of Frederick.

3. The owners of more than fifty percent of the area proposed to be annexed, exclusive of dedicated streets and alleys, have signed this petition and hereby petition for annexation of such territory.
4. Accompanying this petition are four copies of an annexation map containing the following information:
 - a. A written legal description of the boundaries of the area proposed to be annexed;
 - b. A map showing the boundary of the area proposed to be annexed, said map prepared and containing the seal of a registered engineer;
 - c. Within the annexation boundary map, a showing of the location of each ownership tract in unplatted land and, if part or all of the area is platted, the boundaries and the plat numbers of plots or of lots and blocks;
 - d. Next to the boundary of the area proposed to be annexed, a drawing of the contiguous boundary of the Town of Frederick and the contiguous boundary of any other municipality abutting the area proposed to be annexed, and a showing of the dimensions of such contiguous boundaries.
5. Upon the Annexation Ordinance becoming effective, all lands within the area proposed to be annexed will become subject to all ordinances, rules and regulations of the Town of Frederick, except for general property taxes of the Town of Frederick which shall become effective as the January 1 next ensuing.
6. The zoning classifications requested for the area proposed to be annexed are C-H52, Mixed Use Highway 52 District.

WHEREFORE, the following petitioner respectfully requests that the Town of Frederick, acting through its Board of Trustees, approve the annexation of the area proposed to be annexed. By this acknowledgment, the undersigned hereby certify that the above information is complete and true.



Owner - William F. Garcia

02/18/2009

Date

Chair, Board of County Commissioners, on behalf of Weld County

STATE OF COLORADO)

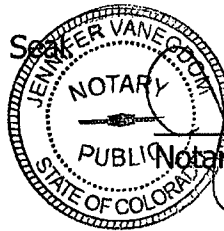
)ss.

COUNTY OF)

The foregoing instrument was acknowledged before me this 18th day of February, 2009 by William F. Garcia

My commission expires: 5/19/2009

Witness My Hand and Official Seal




Notary Public

My Commission Expires May 19, 2009

Landowner/Petitioner Mailing Address:

Chair of the Weld County Board of Commissioners
915 Tenth Street
P.O. Box 758
Greeley, CO 80632

RECORD OF LAND OWNERSHIP AND DATED SIGNED

Please print

Landowner/Petitioner: William F. Garcia, Chair
Weld County Board of Commissioners

Mailing Address: 915 10th Street, Greeley, Colorado 80631

Date: 02/18/2009

Legal Description of Land Owned:

See legal description in **Exhibit A**, attached hereto and
incorporated herein by this reference.

AFFIDAVIT OF CIRCULATOR

STATE OF COLORADO)

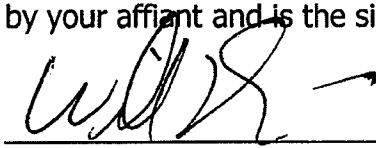
)ss.

COUNTY OF)

William F. Garcia, Chair

Weld County Board of Commissioners

, being first duly sworn upon oath, deposes and says that (he or she) was the circulator of this Petition for Annexation of lands to the Town of Frederick, Colorado, consisting of six (6) pages including this page and that each signature hereon was witnessed by your affiant and is the signature of the person whose name is purports to be.



Circulator

STATE OF COLORADO)

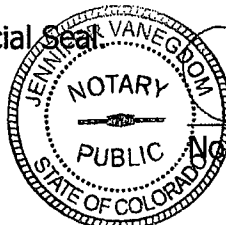
)ss.

COUNTY OF)

The foregoing instrument was acknowledged before me this 18th day of February, 2009 by William F. Garcia.

My commission expires: 5/19/2009

Witness My Hand and Official Seal




Notary Public

My Commission Expires May 19, 2009

EXHIBIT A
Weld County Road 13 Annexation and Rezone #6

Legal Description:

A portion of the Southwest Quarter (SW1/4) of Section Thirty-One (31), Township Two North (T.2N.), Range Sixty-seven West (R.67W.), of the Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado, being more particularly described as follows:

BEGINNING at the West Quarter corner of said Section 31 and assuming the West line of the Southwest Quarter (SW1/4) of said Section 31 as bearing South 00°01'55" West, being a grid bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/92, a distance of 2656.13 feet with all bearings contained herein relative thereto.

THENCE North 89°51'37" East along said North line of the SW1/4, said North line also being the South line of the Town of Frederick recorded May 16, 1907 at Reception No. 119673 in the Records of Weld County, a distance of 35.39 feet to the West line of the Wagoner Annexation 2, recorded June 12, 1989 at Reception No. 2182216 in the Records of Weld County;

The following Three (3) courses and distances are along said Wagoner Annexation 2;

THENCE South 00°04'05" East a distance of 910.37 feet to the beginning point of a curve non-tangent to the aforesaid course;

THENCE along the arc of a non-tangent curve concave to the West a distance of 378.54 feet, said curve has a Radius of 1896.86 feet, a Delta of 11°26'03" and is subtended by a Chord bearing South 05°38'50" West a distance of 377.91 feet to the West line of the SW1/4 of said Section 31;

THENCE North 00°01'55" East along said West line, said line being non-tangent to the aforesaid curve a distance of 179.85 feet, to the Southeast corner of the Dacono Investment Co. Annexation, Ordinance 324 Recorded May 11, 1990 at Reception No.2213521 of the Records of Weld County;

THENCE continuing North 00°01'55" East along the West line of said SW1/4, said line being coincidental with the East line of said Dacono Investment Co. Annexation a distance of 1106.52 feet to the POINT OF BEGINNING.

Town of Frederick Annexation and Rezone #7

PETITION FOR ANNEXATION TO THE TOWN OF FREDERICK

DATE: March 24, 2009

TO: THE BOARD OF TRUSTEES OF THE TOWN OF FREDERICK, COLORADO.

I, Eric E. Doering, serving as Mayor of the Town of Frederick, on behalf of the Town of Frederick, in accordance with Colorado law, hereby petition the Town of Frederick and its Board of Trustees for annexation to the Town of Frederick of the following described unincorporated territory located in the County of Weld and State of Colorado, to-wit:

See legal description in **Exhibit A**, attached hereto and incorporated herein by this reference.

As part of this petition, your petitioner further states to the Board of Trustees of Frederick, Colorado, that:

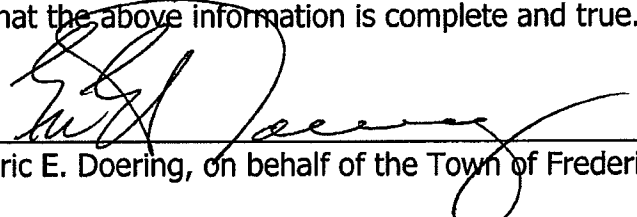
1. It is desirable and necessary that the territory described in Exhibit A be annexed to the Town of Frederick.
2. The requirements of C.R.S. sections 31-12-104 and 31-12-105, as amended, exist or have been met in that:
 - a. Not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the Town of Frederick or will be contiguous with the Town of Frederick within such time as required by 31-12-104.
 - b. A community of interest exists between the area proposed to be annexed and the Town of Frederick.
 - c. The area proposed to be annexed is urban or will be urbanized in the near future.
 - d. The area proposed to be annexed is integrated with or is capable of being integrated with the Town of Frederick.
 - e. No land within the boundary of the territory proposed to be annexed which is held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has been divided into separate parts or

parcels without the written consent of the landowner or landowners thereof, unless such tracts or parcels were separated by a dedicated street, road or other public way.

- f. No land within the boundary of the area proposed to be annexed which is held in identical ownership, comprises twenty acres or more, and which, together with the buildings and improvements situated thereon has an assessed value in excess of two hundred thousand dollars (\$200,000.00) for ad valorem tax purposes for the year next preceding the annexation, has been included within the area proposed to be annexed without the written consent of the landowner or landowners.
- g. No annexation proceedings have been commenced for any portion of the territory proposed to be annexed for the annexation of such territory to another municipality.
- h. The annexation of the territory proposed to be annexed will not result in the detachment of area from any school district.
- i. The annexation of the territory proposed to be annexed will not have the effect of extending the boundary of the Town of Frederick more than three miles in any direction from any point of the boundary of the Town of Frederick in any one year.
- j. Prior to completion of the annexation of the territory proposed to be annexed, the Town of Frederick will have in place a plan for that area, which generally describes the proposed: Location, character, and extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities, and terminals for water, light, sanitation, transportation, and power to be provided by the Town of Frederick; and the proposed land uses for the area; such plan to be updated at least once annually.
- k. In establishing the boundary of the territory proposed to be annexed, if a portion of a platted street or alley is to be annexed, the entire width of the street or alley has been included within the territory to be annexed. The Town of Frederick will not deny reasonable access to any landowners, owners of any easement, or the owners of any franchise adjoining any platted street or alley which is to be annexed to the Town of Frederick but is not bounded on both sides by the Town of Frederick.

3. The owners of more than fifty percent of the area proposed to be annexed, exclusive of dedicated streets and alleys, have signed this petition and hereby petition for annexation of such territory.
4. Accompanying this petition are four copies of an annexation map containing the following information:
 - a. A written legal description of the boundaries of the area proposed to be annexed;
 - b. A map showing the boundary of the area proposed to be annexed, said map prepared and containing the seal of a registered engineer;
 - c. Within the annexation boundary map, a showing of the location of each ownership tract in unplatted land and, if part or all of the area is platted, the boundaries and the plat numbers of plots or of lots and blocks;
 - d. Next to the boundary of the area proposed to be annexed, a drawing of the contiguous boundary of the Town of Frederick and the contiguous boundary of any other municipality abutting the area proposed to be annexed, and a showing of the dimensions of such contiguous boundaries.
5. Upon the Annexation Ordinance becoming effective, all lands within the area proposed to be annexed will become subject to all ordinances, rules and regulations of the Town of Frederick, except for general property taxes of the Town of Frederick which shall become effective as the January 1 next ensuing.
6. The zoning classifications requested for the area proposed to be annexed are P, Public District.

WHEREFORE, the following petitioner respectfully requests that the Town of Frederick, acting through its Board of Trustees, approve the annexation of the area proposed to be annexed. By this acknowledgment, the undersigned hereby certify that the above information is complete and true.



Mayor Eric E. Doering, on behalf of the Town of Frederick
Owner

March 16, 2009
Date

STATE OF COLORADO)

)ss.
COUNTY OF Weld)

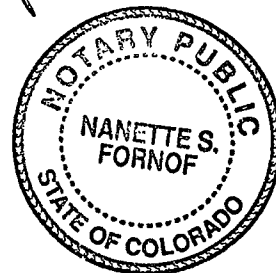
The foregoing instrument was acknowledged before me this 16th day
of March, 20 09 by Eric E. Doering

My commission expires: 2/1/11

Witness My Hand and Official Seal.



Notary Public



Landowner/Petitioner Mailing Address:

Mayor Eric E. Doering
Town of Frederick
401 Locust Street
P.O. Box 435
Frederick, CO 80530

RECORD OF LAND OWNERSHIP AND DATED SIGNED
Please print

Landowner/Petitioner: Eric E. Doering

Mailing Address: 401 Locust St., PO Box 435 Frederick, CO 80530

Date: March 17, 2009

Legal Description of Land Owned:

See legal description in **Exhibit A**, attached hereto and
incorporated herein by this reference.

AFFIDAVIT OF CIRCULATOR

STATE OF COLORADO)

COUNTY OF Weld)ss.

Eric E Downing, being first duly sworn upon oath, deposes and says that (he or she) was the circulator of this Petition for Annexation of lands to the Town of Frederick, Colorado, consisting of six (6) pages including this page and that each signature hereon was witnessed by your affiant and is the signature of the person whose name is purports to be.

[Signature]
Circulator

STATE OF COLORADO)

COUNTY OF Weld)ss.

The foregoing instrument was acknowledged before me this 16th day of March, 2009 by Eric E Downing.

My commission expires: 2/1/11

Witness My Hand and Official Seal.

[Signature]
Notary Public

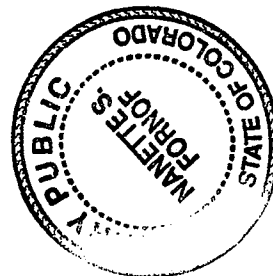


EXHIBIT A
Town of Frederick Annexation and Rezone #7

Legal Description:

A parcel of land located in the Northeast Quarter (NE1/4) of Section Twenty-four (24), Township Two North (T.2N.), Range Sixty-Eight West (R.68W.), of the Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado, being more particularly described as follows:

BEGINNING at the Center Quarter corner of said Section 24 and assuming the West line of the NE1/4 of said Section 24 as bearing North 00°17'35" West, being a grid bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/92, a distance of 2649.54 feet with all bearings contained herein relative thereto.

THENCE North 00°17'35" West along the West line of the NE1/4 of said Section 24, and also the East line of Kellogg Annexation Plat recorded October 25, 1995 as Reception No. 2461024 of the Records of Weld County a distance of 412.13 feet to the Southwest Corner of Moore Farms Annexation recorded November 17, 2000 as Reception No. 2807872 of the Records of Weld County;

The following Two (2) courses and distances are along the Southerly line of said Moore Farms Annexation.

THENCE South 66°59'48" East a distance of 419.60 feet;


THENCE North 39°30'16" East a distance of 72.41 feet to the Northwest corner of the Milavec Annexation recorded March 16, 1989 as Reception No. 2173617 of the Records of Weld County;

THENCE South 00°17'36" East along the Westerly line of said Milavec Annexation a distance of 302.38 feet to the South line of the NE1/4 of Section 24;

THENCE South 89°46'53" West along the South line of the NE1/4 of Section 24, and also the North line of the Milavec Annexation a distance of 431.74 feet to the **POINT OF BEGINNING**.

Said described parcel of land contains a total of 139,675 sq. ft or 3.206 acres, more or less and is subject to any existing easements and rights of way of record or as now existing on said described parcel of land.

For the Town of Frederick Annexation 7, I, Jennifer Simmons, certified the following property address list as being accurate and true as obtained by the Weld County Assessor's website on this date, March 23, 2009.



Jennifer Simmons

03/24/09

Date

RESOLUTION

RE: APPROVE PETITION AND AGREEMENT FOR ANNEXATION OF A PORTION OF COUNTY ROAD 13 (ANNEXATION AND REZONE #8) AND AUTHORIZE CHAIR TO SIGN - TOWN OF FREDERICK

WHEREAS, the Board of County Commissioners of Weld County, Colorado, pursuant to Colorado statute and the Weld County Home Rule Charter, is vested with the authority of administering the affairs of Weld County, Colorado, and

WHEREAS, the Board has been presented with a Petition for the Annexation of a Portion of County Road 13 (Annexation and Rezone #8) from the County of Weld, State of Colorado, by and through the Board of County Commissioners of Weld County, to the Town of Frederick, Colorado, and

WHEREAS, the Board has reviewed the Annexation Agreement with the Town of Frederick, which addresses the annexation of this section of road, and finds the same to be acceptable and appropriate, and

WHEREAS, after review, the Board deems it advisable to approve said petition and said agreement, copies of which are attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Weld County, Colorado, that the Petition for the Annexation of a Portion of County Road 13 (Annexation and Rezone #8) from the County of Weld, State of Colorado, by and through the Board of County Commissioners of Weld County, to the Town of Frederick, Colorado, be, and hereby is, approved.

BE IT FURTHER RESOLVED by the Board that said Annexation Agreement with the Town of Frederick, for the annexation of said portion of roadway be, and hereby is, approved, and the Chair is authorized to sign said petition and agreement.

CC: PW, PL, CA, FREDERICK

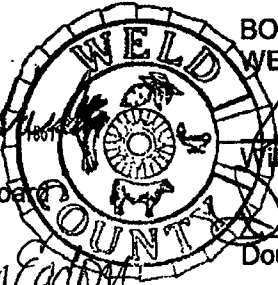
2009-0466

EG0060

03/18/09

PETITION AND AGREEMENT FOR ANNEXATION OF A PORTION OF COUNTY ROAD 13
(ANNEXATION AND REZONE #8) - TOWN OF FREDERICK
PAGE 2

The above and foregoing Resolution was, on motion duly made and seconded, adopted by the following vote on the 18th day of February, A.D., 2009.

ATTEST:  William F. Garcia
Weld County Clerk to the Board
Weld County, Colorado
William F. Garcia, Chair

BY: Jennifer VanEgdon
Deputy Clerk to the Board
Douglas Rademacher, Pro-Tem

EXCUSED
Sean P. Conway
Barbara Kirkmeyer
Barbara Kirkmeyer
David E. Long
David E. Long

APPROVED AS TO FORM: [Signature]
County Attorney

Date of signature: 2/03/2009

Town of Frederick Annexation and Rezone #8

PETITION FOR ANNEXATION TO THE TOWN OF FREDERICK

DATE: 02/18/2009

TO: THE BOARD OF TRUSTEES OF THE TOWN OF FREDERICK, COLORADO.

I, William F. Garcia, serving as Chair of the Weld County Board of County Commissioners, on behalf of Weld County, in accordance with Colorado law, hereby petition the Town of Frederick and its Board of Trustees for annexation to the Town of Frederick of the following described unincorporated territory located in the County of Weld and State of Colorado, to-wit:

See legal description in **Exhibit A**, attached hereto and incorporated herein by this reference.

As part of this petition, your petitioner further states to the Board of Trustees of Frederick, Colorado, that:

1. It is desirable and necessary that the territory described in Exhibit A be annexed to the Town of Frederick.
2. The requirements of C.R.S. sections 31-12-104 and 31-12-105, as amended, exist or have been met in that:
 - a. Not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the Town of Frederick or will be contiguous with the Town of Frederick within such time as required by 31-12-104.
 - b. A community of interest exists between the area proposed to be annexed and the Town of Frederick.
 - c. The area proposed to be annexed is urban or will be urbanized in the near future.
 - d. The area proposed to be annexed is integrated with or is capable of being integrated with the Town of Frederick.
 - e. No land within the boundary of the territory proposed to be annexed which is held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has been divided into separate parts or

parcels without the written consent of the landowner or landowners thereof, unless such tracts or parcels were separated by a dedicated street, road or other public way.

- f. No land within the boundary of the area proposed to be annexed which is held in identical ownership, comprises twenty acres or more, and which, together with the buildings and improvements situated thereon has an assessed value in excess of two hundred thousand dollars (\$200,000.00) for ad valorem tax purposes for the year next preceding the annexation, has been included within the area proposed to be annexed without the written consent of the landowner or landowners.
- g. No annexation proceedings have been commenced for any portion of the territory proposed to be annexed for the annexation of such territory to another municipality.
- h. The annexation of the territory proposed to be annexed will not result in the detachment of area from any school district.
- i. The annexation of the territory proposed to be annexed will not have the effect of extending the boundary of the Town of Frederick more than three miles in any direction from any point of the boundary of the Town of Frederick in any one year.
- j. Prior to completion of the annexation of the territory proposed to be annexed, the Town of Frederick will have in place a plan for that area, which generally describes the proposed: Location, character, and extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities, and terminals for water, light, sanitation, transportation, and power to be provided by the Town of Frederick; and the proposed land uses for the area; such plan to be updated at least once annually.
- k. In establishing the boundary of the territory proposed to be annexed, if a portion of a platted street or alley is to be annexed, the entire width of the street or alley has been included within the territory to be annexed. The Town of Frederick will not deny reasonable access to any landowners, owners of any easement, or the owners of any franchise adjoining any platted street or alley which is to be annexed to the Town of Frederick but is not bounded on both sides by the Town of Frederick.

3. The owners of more than fifty percent of the area proposed to be annexed, exclusive of dedicated streets and alleys, have signed this petition and hereby petition for annexation of such territory.
4. Accompanying this petition are four copies of an annexation map containing the following information:
 - a. A written legal description of the boundaries of the area proposed to be annexed;
 - b. A map showing the boundary of the area proposed to be annexed, said map prepared and containing the seal of a registered engineer;
 - c. Within the annexation boundary map, a showing of the location of each ownership tract in unplatted land and, if part or all of the area is platted, the boundaries and the plat numbers of plots or of lots and blocks;
 - d. Next to the boundary of the area proposed to be annexed, a drawing of the contiguous boundary of the Town of Frederick and the contiguous boundary of any other municipality abutting the area proposed to be annexed, and a showing of the dimensions of such contiguous boundaries.
5. Upon the Annexation Ordinance becoming effective, all lands within the area proposed to be annexed will become subject to all ordinances, rules and regulations of the Town of Frederick, except for general property taxes of the Town of Frederick which shall become effective as the January 1 next ensuing.
6. The zoning classifications requested for the area proposed to be annexed are C-N, Commercial District, Neighborhood.

WHEREFORE, the following petitioner respectfully requests that the Town of Frederick, acting through its Board of Trustees, approve the annexation of the area proposed to be annexed. By this acknowledgment, the undersigned hereby certify that the above information is complete and true.



Owner - William F. Garcia

02/18/2009

Date

Chair, Board of County Commissioners, on behalf of Weld County

STATE OF COLORADO)

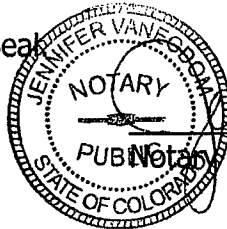
)ss.

COUNTY OF)

The foregoing instrument was acknowledged before me this 18th day of February, 2009 by William F. Garcia

My commission expires: 5/19/2009

Witness My Hand and Official Seal



My Commission Expires May 19, 2009

Landowner/Petitioner Mailing Address:

Chair of the Weld County Board of Commissioners
915 Tenth Street
P.O. Box 758
Greeley, CO 80632

RECORD OF LAND OWNERSHIP AND DATED SIGNED

Please print

Landowner/Petitioner: William F. Garcia, Chair
Weld County Board of Commissioners

Mailing Address: 915 10th Street, Greeley, Colorado 80631

Date: 02/18/2009

Legal Description of Land Owned:

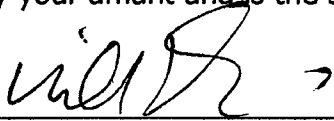
See legal description in **Exhibit A**, attached hereto and
incorporated herein by this reference.

AFFIDAVIT OF CIRCULATOR

STATE OF COLORADO)

)ss.
COUNTY OF)

William F. Garcia, Chair
Weld County Board of Commissioners, being first duly
sworn upon oath, deposes and says that (he or she) was the circulator of this
Petition for Annexation of lands to the Town of Frederick, Colorado, consisting of
six (6) pages including this page and that each signature hereon was witnessed
by your affiant and is the signature of the person whose name is purports to be.



Circulator

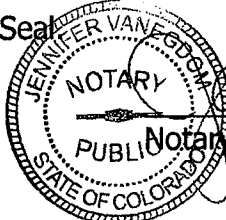
STATE OF COLORADO)

)ss.
COUNTY OF)

The foregoing instrument was acknowledged before me this 18th day
of February, 2009 by William F. Garcia.

My commission expires: 5/19/2009

Witness My Hand and Official Seal



My Commission Expires May 19, 2009

EXHIBIT A

Town of Frederick Annexation and Rezone #8

Legal Description:

A parcel of land located in the Southwest Quarter (SW1/4) of Section Thirty (30), Township Two North, Range Sixty-Seven (R.67W.), of the 6th P.M., County of Weld, State of Colorado, being more particularly described as follows:

COMMENCING at the Southwest Corner of said Section 30 and assuming the West line of the SW1/4 of said Section 30 as bearing North 00°11'05" East, being a grid bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/92, a distance of 2666.81 feet with all bearings contained herein relative thereto.

THENCE North 00°11'05" East along the West line of the SW1/4 of said Section 30 a distance of 30.00 feet to the Northwest corner of the WCR 16 Annexation, recorded December 10, 1982 as Reception No. 1911088 of the Records of Weld County, and to the **POINT OF BEGINNING**;

THENCE North 00°11'05" East continuing along the West line of the SW1/4 of Section 30, said line being coincidental with the East line of the Shrek Annexation, recorded August 29, 2008 as Reception No. 3575512 of the Records of Weld County, a distance of 970.00 feet to the Southerly line of the Milavec Annexation, recorded March 16, 1989 as Reception No. 2173617 of the Records of Weld County;

THENCE North 89°48'55" East along the Southerly line of said Milavec Annexation a distance of 16.97 feet to a corner of the Millavec Annexation;

THENCE South 00°02'03" West along the West line of the Milavec Annexation a distance of 969.94 feet to the Northerly line of the WCR 16 Annexation;

THENCE South 89°59'26" West along a line parallel with and 30.00 feet Northerly of, as measured at a right angle to the South line of the SW1/4 of Section 30, said line being coincidental with the North line of said WCR 16 Annexation, a distance of 19.52 feet to the **POINT OF BEGINNING**.

Said described parcel of land contains a total of 17,697 sq. ft or 0.406 acres, more or less and is subject to any existing easements and rights of way of record or as now existing on said described parcel of land.

RESOLUTION

RE: APPROVE PETITION AND AGREEMENT FOR ANNEXATION OF A PORTION OF WILLIAM BAILEY AVENUE (ANNEXATION AND REZONE #9) AND AUTHORIZE CHAIR TO SIGN - TOWN OF FREDERICK

WHEREAS, the Board of County Commissioners of Weld County, Colorado, pursuant to Colorado statute and the Weld County Home Rule Charter, is vested with the authority of administering the affairs of Weld County, Colorado, and

WHEREAS, the Board has been presented with a Petition for the Annexation of a Portion of William Bailey Avenue (Annexation and Rezone #9) from the County of Weld, State of Colorado, by and through the Board of County Commissioners of Weld County, to the Town of Frederick, Colorado, and

WHEREAS, the Board has reviewed the Annexation Agreement with the Town of Frederick, which addresses the annexation of this section of road, and finds the same to be acceptable and appropriate, and

WHEREAS, after review, the Board deems it advisable to approve said petition and said agreement, copies of which are attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Weld County, Colorado, that the Petition for the Annexation of a Portion of William Bailey Avenue (Annexation and Rezone #9) from the County of Weld, State of Colorado, by and through the Board of County Commissioners of Weld County, to the Town of Frederick, Colorado, be, and hereby is, approved.

BE IT FURTHER RESOLVED by the Board that said Annexation Agreement with the Town of Frederick, for the annexation of said portion of roadway be, and hereby is, approved, and the Chair is authorized to sign said petition and agreement.

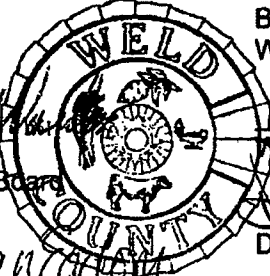
2009-0467
EG0060

cc: PL, PW, CA, FREDERICK

03-18-09

PETITION AND AGREEMENT FOR ANNEXATION OF A PORTION OF WILLIAM BAILEY
AVENUE (ANNEXATION AND REZONE #9) - TOWN OF FREDERICK
PAGE 2

The above and foregoing Resolution was, on motion duly made and seconded, adopted by
the following vote on the 18th day of February, A.D., 2009.

ATTEST:  Donald R. [Signature]
Weld County Clerk to the Board
BY: Jennifer Van [Signature]
Deputy Clerk to the Board
APPROVED AS TO FORM: [Signature]
County Attorney

BOARD OF COUNTY COMMISSIONERS
WELD COUNTY, COLORADO
[Signature]
William F. Garcia, Chair
Douglas Rademacher [Signature]
Douglas Rademacher, Pro-Tem
EXCUSED
Sean P. Conway [Signature]
Sean P. Conway
Barbara Kirkmeyer [Signature]
Barbara Kirkmeyer
David E. Long [Signature]
David E. Long

Date of signature: 2/23/2009

Town of Frederick Annexation and Rezone #9

PETITION FOR ANNEXATION TO THE TOWN OF FREDERICK

DATE: 02/18/2009

TO: THE BOARD OF TRUSTEES OF THE TOWN OF FREDERICK, COLORADO.

I, William F. Garcia, serving as Chair of the Weld County Board of County Commissioners, on behalf of Weld County, in accordance with Colorado law, hereby petition the Town of Frederick and its Board of Trustees for annexation to the Town of Frederick of the following described unincorporated territory located in the County of Weld and State of Colorado, to-wit:

See legal description in **Exhibit A**, attached hereto and incorporated herein by this reference.

As part of this petition, your petitioner further states to the Board of Trustees of Frederick, Colorado, that:

1. It is desirable and necessary that the territory described in Exhibit A be annexed to the Town of Frederick.
2. The requirements of C.R.S. sections 31-12-104 and 31-12-105, as amended, exist or have been met in that:
 - a. Not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the Town of Frederick or will be contiguous with the Town of Frederick within such time as required by 31-12-104.
 - b. A community of interest exists between the area proposed to be annexed and the Town of Frederick.
 - c. The area proposed to be annexed is urban or will be urbanized in the near future.
 - d. The area proposed to be annexed is integrated with or is capable of being integrated with the Town of Frederick.
 - e. No land within the boundary of the territory proposed to be annexed which is held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has been divided into separate parts or

parcels without the written consent of the landowner or landowners thereof, unless such tracts or parcels were separated by a dedicated street, road or other public way.

- f. No land within the boundary of the area proposed to be annexed which is held in identical ownership, comprises twenty acres or more, and which, together with the buildings and improvements situated thereon has an assessed value in excess of two hundred thousand dollars (\$200,000.00) for ad valorem tax purposes for the year next preceding the annexation, has been included within the area proposed to be annexed without the written consent of the landowner or landowners.
- g. No annexation proceedings have been commenced for any portion of the territory proposed to be annexed for the annexation of such territory to another municipality.
- h. The annexation of the territory proposed to be annexed will not result in the detachment of area from any school district.
- i. The annexation of the territory proposed to be annexed will not have the effect of extending the boundary of the Town of Frederick more than three miles in any direction from any point of the boundary of the Town of Frederick in any one year.
- j. Prior to completion of the annexation of the territory proposed to be annexed, the Town of Frederick will have in place a plan for that area, which generally describes the proposed: Location, character, and extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities, and terminals for water, light, sanitation, transportation, and power to be provided by the Town of Frederick; and the proposed land uses for the area; such plan to be updated at least once annually.
- k. In establishing the boundary of the territory proposed to be annexed, if a portion of a platted street or alley is to be annexed, the entire width of the street or alley has been included within the territory to be annexed. The Town of Frederick will not deny reasonable access to any landowners, owners of any easement, or the owners of any franchise adjoining any platted street or alley which is to be annexed to the Town of Frederick but is not bounded on both sides by the Town of Frederick.

3. The owners of more than fifty percent of the area proposed to be annexed, exclusive of dedicated streets and alleys, have signed this petition and hereby petition for annexation of such territory.
4. Accompanying this petition are four copies of an annexation map containing the following information:
 - a. A written legal description of the boundaries of the area proposed to be annexed;
 - b. A map showing the boundary of the area proposed to be annexed, said map prepared and containing the seal of a registered engineer;
 - c. Within the annexation boundary map, a showing of the location of each ownership tract in unplatted land and, if part or all of the area is platted, the boundaries and the plat numbers of plots or of lots and blocks;
 - d. Next to the boundary of the area proposed to be annexed, a drawing of the contiguous boundary of the Town of Frederick and the contiguous boundary of any other municipality abutting the area proposed to be annexed, and a showing of the dimensions of such contiguous boundaries.
5. Upon the Annexation Ordinance becoming effective, all lands within the area proposed to be annexed will become subject to all ordinances, rules and regulations of the Town of Frederick, except for general property taxes of the Town of Frederick which shall become effective as the January 1 next ensuing.
6. The zoning classifications requested for the area proposed to be annexed are BLI, Business Light Industrial District.

WHEREFORE, the following petitioner respectfully requests that the Town of Frederick, acting through its Board of Trustees, approve the annexation of the area proposed to be annexed. By this acknowledgment, the undersigned hereby certify that the above information is complete and true.



Owner - William F. Garcia

02/18/2009

Date

Chair, Board of County Commissioners, on behalf of Weld County

STATE OF COLORADO)

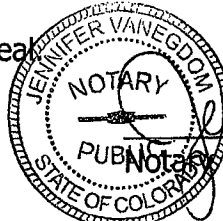
)ss.

COUNTY OF)

The foregoing instrument was acknowledged before me this 18th day of February, 2009 by William F. Garcia

My commission expires: 5/19/2009

Witness My Hand and Official Seal



My Commission Expires May 19, 2009

Landowner/Petitioner Mailing Address:

Chair of the Weld County Board of Commissioners
915 Tenth Street
P.O. Box 758
Greeley, CO 80632

RECORD OF LAND OWNERSHIP AND DATED SIGNED

Please print

Landowner/Petitioner: William F. Garcia, Chair
Weld County Board of Commissioners

Mailing Address: 915 10th Street, Greeley, Colorado 80631

Date: 02/18/2009

Legal Description of Land Owned:

See legal description in **Exhibit A**, attached hereto and
incorporated herein by this reference.

EXHIBIT A

Town of Frederick Annexation and Rezone #9

Legal Description:

A parcel of land located in the Northwest Quarter (NW1/4) of Section Twenty-Five (25), Township Two (2) North, Range Sixty-Eight (R.68W.), of the 6th P.M., County of Weld, State of Colorado, being more particularly described as follows:

BEGINNING at the Center Quarter Corner of said Section 25 and assuming the East line of the NW1/4 of said Section 25 as bearing North 00°00'30" East, being a grid bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/92, a distance of 2638.95 feet with all bearings contained herein relative thereto.

THENCE North 89°42'23" West along the South line of the NW1/4 of said Section 25 a distance of 40.00 feet;

THENCE North 00°00'30" East along a line parallel with and 40.00 feet Westerly of, as measured at a right angle to the East line of the NW1/4 of said Section 25, a distance of 1319.27 feet;

THENCE South 89°59'30" East a distance of 40.00 feet to the Center-North 1/16TH corner of Section 25;

THENCE South 00°00'30" West along the East line of the NW1/4 of Section 25, said line being coincidental with the West line of the Earl Sowers Annexation, recorded March 3, 1989 as Reception No. 2173618 of the Records of Weld County, a distance of 1319.47 feet to the

POINT OF BEGINNING.

Said described parcel of land contains a total of 52,775 sq. ft or 1.212 acres, more or less and is subject to any existing easements and rights of way of record or as now existing on said described parcel of land.

AFFIDAVIT OF CIRCULATOR

STATE OF COLORADO)


)ss.

COUNTY OF)

William F. Garcia, Chair

Weld County Board of Commissioners

, being first duly sworn upon oath, deposes and says that (he or she) was the circulator of this Petition for Annexation of lands to the Town of Frederick, Colorado, consisting of six (6) pages including this page and that each signature hereon was witnessed by your affiant and is the signature of the person whose name is purports to be.


Circulator

STATE OF COLORADO)

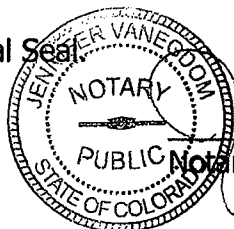
)ss.

COUNTY OF)

The foregoing instrument was acknowledged before me this 18th day of February, 2009 by William F. Garcia.

My commission expires: 5/19/2009

Witness My Hand and Official Seal



My Commission Expires May 19, 2009